

## What is the ADA & Title 24?

California's Title 24 and the federal Americans with Disabilities Act (ADA) prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.

## Who must comply?

Public accommodations, regardless of size, must comply with the ADA. A public accommodation is considered any facility that deals directly with the public.

## Why Comply?

Through the ADA and Title 24, the federal and state government affirmed the civil rights of the millions of Americans with disabilities by ensuring their right to participate fully in society. California state law declares that failure to comply with either the ADA or Title 24 is a civil rights violation.

Operators of public accommodations that do not comply with these laws face the prospect of large monetary damages. Under California law, a violation of these codes can result in a minimum \$4,000 fine per violation, a requirement to fix the problem, and the payment of the plaintiff's attorney fees.

The federal government allows for up to \$10,000 in tax deductions for access related changes – see IRS form 8826.

*This brochure is presented to you by*

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# Access laws and California businesses:

## A guide to the Americans With Disabilities Act and Title 24

A woman with short grey hair and glasses is sitting in a wheelchair on a wide set of concrete stairs. She is wearing a patterned short-sleeved shirt and dark pants. The background is a solid blue color.

## How to comply

Complying with the many technical requirements of the ADA and Title 24 can seem overwhelming for many small businesses. Fortunately, there are resources available to assist you in becoming compliant. Here are a few of them:

1. The US Department of Justice, Office on ADA - (202) 514-0301
2. Division of the State Architect, California - [www.dsa.dgs.ca.gov/universaldesign/default.htm](http://www.dsa.dgs.ca.gov/universaldesign/default.htm)
3. California Disability Access Guidebook (CalDAG) - [www.caldag2003.com](http://www.caldag2003.com)
4. Pacific ADA and IT Center - (800) 949-4232 or [www.pacbtac.org](http://www.pacbtac.org)

## Knowledge is the key

The ADA and Title 24 prescribes certain rights, duties and obligations to businesses. It is important for businesses to understand these in order to prevent costly litigation later on.

1. California is governed by both Title 24 and the ADA. As a result, discrepancies between the two codes can cause confusion for business owners. A building inspector “signing off” on a design may mean it complies with Title 24 and not the ADA.
2. Readily Achievable: The ADA requires removal of barriers to access that can be accomplished without much difficulty or expense. In other words, buildings do not have to be completely redesigned in order to be compliant with the ADA. The DOJ recommends the following priorities for barrier removal:
  - a. Provide access from parking areas, sidewalks and entrances.
  - b. Provide access to areas where goods and services are provided.
  - c. Provide access to restrooms that are open to the public.
  - d. Take other measures to provide access to good, services, or facilities.
3. Landlord/Tenant responsibility: The ADA stipulates that both the landlord and the tenant are responsible for compliance. However, many leases do not expressly spell out who is responsible when a violation arises. It is important to allocate responsibility in the lease agreement to avoid disputes if issues arise.
4. Awareness and vigilance is the best way to ensure that your facility is compliant with the ADA and Title 24.